



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ZINDY SHWARTZ,

Plaintiff,

v.

BARCLAYS BANK DELAWARE, and
EQUIFAX INFORMATION SERVICES, INC.,
Defendants.
-----X

ORDER

21 CV 5476 (VB)

On June 22, 2021, plaintiff Zindy Schwartz commenced the instant action against defendants Barclays Bank Delaware and Equifax Information Services, Inc. (Doc. #1). On June 23, 2021, the Clerk of Court issued summonses as to Barclays Bank Delaware. (Doc. #6). And on June 25, 2021, plaintiff docketed proof of service indicating service on Barclays Bank Delaware on June 24, 2021. (Doc. #9). Accordingly, Barclays Bank Delaware had until July 15, 2021, to respond to the complaint. See Fed. R. Civ. P. 12(a)(1)(A)(i).

As of July 28, 2021, Barclays Bank Delaware had not answered, moved, or otherwise responded to the complaint. Thus, on July 28, 2021, the Court issued an Order instructing plaintiff to seek a certificate of default as to Barclays Bank Delaware and to move for default judgment against that defendant. (Doc. #15).

However, on July 29, 2021, plaintiff filed another affidavit of service on the docket, indicating service on Barclays Bank Delaware on July 29, 2021. (Doc. #16). The Court vacated its July 28, 2021, Order on July 30, 2021. (Doc. #17).

And, pursuant to the July 29, 2021, affidavit of service, Barclays Bank Delaware had until August 19, 2021 to answer, move, or otherwise respond to the complaint. See Fed. R. Civ. P. 12(a)(1)(A)(i). To date, Barclays Bank Delaware has neither appeared in this action nor answered, moved, or otherwise responded to the complaint.

Accordingly, provided that Barclays Bank Delaware remains in default, plaintiff is ORDERED to seek a certificate of default as to Barclays Bank Delaware by **September 14, 2021**, and thereafter to move, by order to show cause and in accordance with the Court's Individual Practices, for default judgment against Barclays Bank Delaware by **September 28, 2021**. **If plaintiff fails to satisfy either deadline, the Court may dismiss the case as to Barclays Bank Delaware without prejudice for failure to prosecute or failure to comply with court orders. Fed. R. Civ. P. 41(b).**

Dated: August 31, 2021
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge